IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4649 OF 2005

Gyanprakash Ambicaprasad Shukla. ... Applicant.
Versus.
State of Maharashtra. ... Respondent.

Shri S.P.Pandey for the Applicant.

Shri R.Y.Mirza, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 22nd July, 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for the State.

2. The Applicant was enlarged on bail under the orders of the learned Judicial Magistrate First Class. It appears that on one of the dates which was fixed in the cases the Applicant did not remain present and hence a warrant was issued against him. Thereafter the Applicant appeared before the learned Magistrate and applied for cancellation of warrant. The said application came to be rejected and hence the Applicant applied for bail before the Sessions Court. The learned Additional Sessions Judge has rejected the application.

3. It appears from the record that only on one date the Applicant did not remain present and his case is that he was not aware about the date. Considering the facts and

circumstances of the case, in my view the Applicant deserves to be enlarged on bail.

4. Hence the following order is passed:

(i) The Applicant shall be enlarged on bail on the same bail on which he was enlarged by the learned Magistrate on 30th March 2004 subject to condition of filing fresh bonds.

(ii) After the Applicant is enlarged on bail, he will be bound by the terms and conditions incorporated in the order dated 30th March 2004 passed by the learned Magistrate.

Judge.